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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,847	07/23/2001	Yoshinobu Machida	0445-0307P	1179

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

GRAY, LINDA LAMEY

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 09/09/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/889,847

Applicant(s)

MACHIDA ET AL.

Examiner

Linda L Gray

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) 5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. **Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Brandon et al. (US 5,766,389).**

Claim 1, Brandon et al. teach a method for continuously manufacturing a plurality of absorbent articles 10 (Fig 1 and related discussion) including the steps of continuously feeding out long, extensible continuous member 66 from a predetermined position and conveying; cutting member 66 into lengths each equivalent to a length of one sheet of article 10 at a predetermined position in a conveying path; and fixedly arranging cut member 66 at a predetermined position of article 10 (Fig 5 and related discussion). A predetermined pattern (Figs 3, 4 and related discussion) is preliminarily printed on member 66 at a printing pitch shorter than the cutting length of member 66. The speed for feeding out member 66 is controlled such that the pattern is located at a predetermined part of cut member 66 to obtain article 10 in which the pattern is arranged at the predetermined position. Also, the speed is controlled such that the pitch at cutting is made coincident with the cutting length of member 66 by stretching in the longitudinal direction. Brandon et al. teach stretching before cutting and joining member 66 with continuous member 92 forming sheet member 66/92. Member 66/92 is then cut and arranged at the predetermined position on the respective articles.

Brandon et al. teach that the speed of feeding member 66 is controlled such that member 66 is fed out by one printing pitch with respect to one cut of member 66 (Figs 3, 4, 5, and related discussion) (c 18, L 32-67). Note in Brandon et al. that member 92 is considered absorbent because such is made of an absorbent material of, for example, a non-woven web such as a spunbond polypropylene web. Also, member 92 is considered a core in that such is within the area of article 10 where waste material is absorbed. Although the optional limitation of claim 1 is not required, member 66 is joined with at least one other continuous member 54.

Claim 4, Brandon et al. teach that a length of the path of member 66 from a predetermined position where member 66 is fed out to a predetermined position where member 66 is cut is set to a constant length (Figs 3, 4, 5, and related discussion).

Claim 6, member 54 is an outer layer sheet (Fig 5).

Response to Amendment

3. Applicants' amendment and comments filed 6-23-03 have been fully considered. In response, member 92 is considered an absorbent member or core.


Conclusion

4. THIS ACTION IS MADE FINAL. Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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5. Any inquiry concerning this communication or earlier communications should be directed to Examiner Linda L. Gray at (703) 308-1093, Monday-Friday from 6:30 am to 3:30 pm. The necessary fax numbers are (703) 872-9310 and (703) 872-9311.

llg 
September 8, 2003


LINDA GRAY
PRIMARY EXAMINER